

(Office Action, page 2). Contrary to the aforesaid allegation, the claims in Groups I and II do, in fact, exhibit corresponding special technical features in accordance with PCT Rule 13.2 and, therefore, satisfy the requirements for unity of invention under PCT Rule 13.1.

The Examiner's attention is directed to Administrative Instructions Under The PCT, Annex B, part 2, Examples Concerning Unity Of Invention, Example 17, reproduced, as follows:

Example 17

Claim 1: Protein X

Claim 2: DNA sequence encoding protein X

Expression of the DNA sequence in a host results in the production of a protein which is determined by the DNA sequence. The *protein and the DNA sequence exhibit corresponding special technical features. Unity between claims 1 and 2 is accepted.*
[Emphasis added.]

As shown in the foregoing Example

17, claims defining an amino acid sequence, such as present claims 1, 4, and 5, and claims defining a nucleic acid sequence encoding the amino acid sequence, such as present claim 3, "exhibit corresponding special technical features" and, therefore, unity of invention under PCT Rule 13.1 "is accepted."

Accordingly, the present Restriction Requirement fails to demonstrate lack of unity of invention in accordance with PCT Rules 13.1 and 13.2 and, therefore, the Restriction Requirement cannot be sustained.

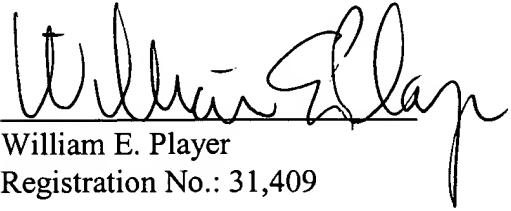
U.S. Patent Application No.: 09/508,095
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Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:


William E. Player
Registration No.: 31,409

Date: October 30, 2001

400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666

Attorney Docket No.: P65141US0

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